

## 17.02.00.00 - ROLES AND RESPONSIBILITIES

### **17.02.01.01**      **FHWA - General**

The federal agency with the major transportation role is the U.S. Department of Transportation (US DOT). Within the US DOT, FHWA has the primary responsibility for transportation projects undertaken with federal funding that are discussed in this Manual. FHWA has the authority and responsibility for implementing and monitoring federal laws, regulations, and executive orders affecting these projects. Other agencies within US DOT include the Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), and the National Highway Traffic Safety Administration (NHTSA).

Caltrans has obtained major delegations of authority from FHWA under the provisions of the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), TEA-21, and previous transportation acts. Caltrans has, in turn, passed on these delegations to LPAs whenever possible. With these delegations go the responsibility for initiating and completing each project phase in accordance with the appropriate state and federal laws and regulations without extensive FHWA or state involvement.

ISTEA established provisions for Congress to adopt a National Highway System (NHS) of approximately 155,000 miles of major roads in the United States. In November 1995, the President signed the legislation defining the new NHS. It includes all Interstate routes, a selection of urban and rural principal connector highways, the defense strategic highway network and strategic highway connectors. In California, about 180 miles of local agency principal connectors were selected to be part of the NHS.

### **17.02.01.02**      **FHWA Role**

For all federal-aid projects, FHWA is responsible for the following project activities:

- Obligation of federal funds.
- Approval of the National Environmental Protection Act (NEPA) measures except for projects that qualify for a Programmatic Categorical Exclusion.
- Specific authorization for utility relocation (see Chapter 14, Utilities in the *Local Assistance Procedures manual*).
- Execution of Project Agreements.
- Acceptance of Right of Way Certifications for projects on the Interstate where total project costs exceed \$1 million.

**NOTE:** The Federal Uniform Act **must** be followed on all federal-aid, local assistance projects. This applies if the federal funds are used only in the construction portion, even when no such funds are used for the acquisition of right of way.

Exhibit 17-EX-2, "Flow Chart of Right of Way Procedures," provides an overview of the right of way process for federal-aid projects.

### **17.02.01.03**      **Process Reviews**

Although substantial responsibility for the administration of local assistance projects has been delegated to LPAs in certifying their own projects, FHWA has retained the overall responsibility for compliance with the Uniform Act. FHWA periodically performs process reviews of LPA projects to ensure that Uniform Act requirements are being met.

### **17.02.01.04**      **Title VI, 1964 Civil Rights Act**

LPAs must comply with all the requirements of Title VI of the 1964 Civil Rights Act on federal-aid projects. This is to ensure that all services and/or benefits derived from any right of way activity will be administered without regard to race, color, gender, or national origin. (23 CFR 200 and 710, Subparts B and E.)

### **17.02.02.01**      **Local Public Agencies Roles**

Regional and local agencies have significant transportation roles. Regional Transportation Planning Agencies (RTPAs) and Metropolitan Planning Organizations (MPOs) develop Regional Transportation Plans and have the primary responsibility in responding to intraregional transportation needs. Local agencies with transportation roles include city and county planning, and traffic and public works departments. All of these agencies also work together with the state and FHWA to provide for both interregional and local transportation needs.

All cities and counties in California lie within the jurisdiction of an RTPA, MPO, or one of the County Transportation Commissions (CTCs). A map showing all the respective jurisdictions in the State is included as Exhibit 17-EX-3.

**NOTE:** There are a number of counties throughout the State that have formed County Transportation Commissions (CTCs). They share the same acronym with the State of California Transportation Commission (see below) and care should be taken while reading the text not to confuse which entity is being discussed.

### **17.02.03.01**      **State Roles**

The state agency with the major transportation role is the Business, Transportation and Housing Agency (BT&H). Within BT&H, the Department has the responsibility for the planning, development, construction, operation, and maintenance of the state's highway system.

### **17.02.03.02**      **California Transportation Commission (CTC)**

The CTC is an independent state commission responsible for programming and allocating funds for the construction and maintenance of the highway, and passenger rail and transit improvements throughout California. It advises and assists the Governor, the Secretary of BT&H, and the Legislature in formulating and evaluating state policies and procedures for transportation programs. Other functions performed by the CTC include the following:

1. Adopting the State Transportation Improvement Program (STIP) including an estimate of the state and federal funds that will be available.
2. Adopting *STIP Guidelines* for the implementation of the 1998 State Transportation Funding Act.

3. Allocating funds for the State Highway Operation and Protection Program (SHOPP) for maintenance, operational safety, and rehabilitation projects.
4. Submitting an evaluation of the Department annual budget to the Legislature, showing Department's ability to deliver a balanced transportation program along with the adequacy of transportation revenues.
5. Adopting Guidelines for monitoring Local Assistance projects to protect the state's funds and to ensure that they are spent in a timely manner. These are entitled *Guidelines for Allocating, Monitoring and Auditing of Funds for Local Assistance Projects*.
6. When condemnation becomes necessary, adopting Resolutions of Necessity for projects on the State Highway System which are funded with STIP and SHOPP dollars.

### **17.02.03.03      State Transportation Improvement Program (STIP)**

The STIP is a multiyear planning and budgeting document adopted by the CTC in even-numbered years. The transportation improvements funded through the STIP may be on the SHS, rail systems, or local streets and roads. There are two broad programs that constitute the STIP:

#### **1. Interregional Improvement Program (IIP):**

The Department funds its projects from the IIP after discussions with regional and local agencies, county transportation commissions, and transportation authorities. The Interregional Transportation Improvement Plan (ITIP) is the *document*, which lists the nominated projects. The ITIP replaces the Department's proposed STIP (PSTIP). Each county receives a fixed percent of the ITIP. Eligible projects include freeways, conventional highways, intercity rail, grade separations, and mass transit improvements. Twenty-five percent of all STIP funds is set aside for the ITIP.

#### **2. Regional Improvement Program (RTIP):**

Each RTPA has the responsibility under the STIP reform legislation to develop, in consultation with the Department, a Regional Improvement Program (RTIP) of projects within its jurisdiction. Eligible projects include conventional improvements to state highways, grade separations, soundwalls, rail transit, local streets and roads, and pedestrian/bicycle facilities. Seventy-five percent of the STIP funds is set aside for the RTIP.

(For additional detail, refer to the Chart entitled *Simplified Statewide and Regional Planning and Programming Cycle*, Exhibit 17-EX-4.)

The Department and regional agencies consult with each other in the development of the ITIPs and RTIPs. As part of this consultation, Department advises LPAs as far in advance as possible which projects are likely to be included in the ITIP and where joint funding may expedite the project. This process is a reciprocal one, permitting regional agencies to also advise the Department of projects which are proposed for programming in the RTIP. Concurrently, federal regulations require that projects be included in a Federal Transportation Improvement Program (FTIP) in order to be eligible for federal funding. The responsibility for identifying projects while preparing a FTIP is shared between the Department and LPAs.

A new project *on* the SHS may not be included in either an ITIP or an RTIP without a complete Project Study Report. [See Section 17.04.02.06, "Project Report/Project Study Report (PR/PSR)."] For projects *not* on the SHS, the equivalent of a Project Study Report must be prepared.

#### **17.02.04.01**      **Department's Role**

The Department has the overall responsibility for building and maintaining a statewide multimodal transportation system. This includes balancing state and regional needs for funding availability and allocation.

The Department *“has overall responsibility for the acquisition, management, and disposal of real property on federal aid projects.”* [23 CFR 710.201(b).] Department is also required to *“fully inform political subdivisions (LPAs) of their responsibilities in connection with federally assisted highway projects.”* [23 CFR 710.201(h).] This information is set forth in the Caltrans Right of Way Manual. This Manual establishes procedures for appraisal, acquisition, relocation assistance, property management, and the other right of way functions and activities, and is intended to assist right of way personnel in complying with both federal and state laws, regulations, directives, and standards. Local agencies which use federal funds for their transportation projects do so with the understanding that they must conduct all right of way activities in accordance with the Caltrans Right of Way Manual.

In addition, Department will also *“monitor real property acquisition activities conducted by political subdivisions (LPAs) to ascertain that right of way is acquired in accordance with the provisions of State and Federal Laws and as required by FHWA directives.”* [23 CFR 710.201(h).]

#### **17.02.04.02**      **Department's Role - Local Assistance (Off System) Projects**

As noted above, the Department has obtained major delegations of authority from FHWA on federally assisted local transportation projects. Department has passed many of these delegations to LPAs. This effort, referred to as “reengineering,” greatly reduced the traditional Department’s role in preliminary engineering (design), right of way, and construction review. At the same time, other areas such as project authorization, consultant selection, and reimbursement payments were streamlined to eliminate multiple reviews. The Department’s role for federal-aid local assistance projects is discussed at considerable length in Section 17.03.00.00.

#### **17.02.04.03**      **Department's Role - Special Funded (On System) Projects**

The rapid growth and availability of “special” funding for transportation projects on the SHS is evidence of the determination by a majority of voters to control both the scope and the timing of improvements to the regional transportation infrastructure by willingly taxing themselves to finance these projects. The Department strongly supports and acts in partnership with cities, counties, RTPAs, MPOs, and private developers in the construction of these projects on the SHS. This active stance on Department’s part is evenly reciprocated by locally elected officials, as a reflection on their ability to achieve the goals of the voters they represent.

It is important that Department staff and our LPA partners maintain a clear understanding of our mutual and reciprocal responsibilities. The Department has a much greater role in special funded projects than in the federal-aid local assistance projects because the state is the ultimate “owner-operator.” Project sponsors should be made aware of this greater level of involvement at the outset of the development process. All projects on the SHS, regardless of funding, must comply with Department standards, practices, and procedures. The Department actively participates in the project development, right of way, and construction processes. All these roles in implementing Special Funded projects are discussed at considerable detail in Section 17.04.00.00.

#### **17.02.04.04**      **Right of Way Headquarters' Role**

The Right of Way Headquarters' responsibilities for both local assistance and special funded projects include the following:

- A. Interpreting federal and state laws and regulations dealing with LPA transportation projects.
- B. Developing policies and procedures for incorporation into the Right of Way Manual Chapters for LPA projects.
- C. Ensuring that relevant informational material is disseminated to the Regions/Districts for distribution to LPAs.
- D. Coordinating with other Headquarters Right of Way functions as well as the Headquarters Division of Design, Division of Local Assistance, and the Legal and Accounting Service Centers.
- E. Coordinating information and policy matters between Regions/Districts to ensure uniformity of operating measures and procedures.
- F. Advising and assisting Region/District Local Program Coordinators in meeting their responsibilities.
- G. Assisting Regions/Districts in providing training to LPAs.
- H. Regularly visiting each Region/District to evaluate the performance of the Local Programs function.
- I. Reviewing and coordinating legislative matters affecting Local Program projects.
- J. Providing staff assistance as necessary to the Chief, Division of Right of Way and other Department management.

#### **17.02.04.05**      **Region/District Role - Engineering**

At the inception of either a federal-aid local assistance or a special funded project, the project sponsor should contact the District Local Assistance Engineer (DLAE). The DLAE has overall responsibility for liaison with all LPAs in the Region/District.

#### **17.02.04.06**      **Region/District Role - Right of Way**

Each Region/District is responsible for designating a Right of Way agent as the Coordinator for Local Program projects. Inasmuch as the Local Programs function encompasses all phases of right of way, the Coordinator ideally should be an experienced agent with a broad knowledge of all aspects of right of way and contract administration. Furthermore, as the Local Programs Coordinator is representing the State in dealing with both FHWA and LPAs on transportation projects, strong interpersonal and communication skills are considered prerequisites.

The Right of Way Coordinator's responsibilities include the following:

- A. Acts as liaison with the DLAE and the Division of Local Assistance on all LPA projects.
- B. Acts as the primary contact for all LPA projects, which involve right of way or rights in real property.
- C. Approves/disapproves the qualifications of those LPAs seeking approval to perform their own right of way functions. This includes renewal upon expiration of the qualification term.
- D. Maintains a list of all LPA projects with sufficient detail to track the status of the project.
- E. Attends field reviews (staff time permitting) at the inception of the project.
- F. Performs monitoring and oversight as needed. (See following Sections 17.03.00.00, Federal-Aid Local Assistance Projects for monitoring, and 17.04.00.00, Special Funded Projects for oversight.)
- G. Reviews and accepts LPA's Right of Way Certifications for their projects and approves Right of Way Certifications on certain Special Funded projects. Acceptance and/or approval of Right of Way Certifications should be done at the Senior Level or above.
- H. Reviews, facilitates, approves, and executes TEA/EEM documents when grant funds are used for land acquisition. This includes the preparation of the appropriate escrow amendments and instructions as necessary.